

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

| | | |
|--------------------------|---|----------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | CR NO. 1:07cr087-SRW |
| |) | |
| RANDY M. KEIPER |) | |

ORDER

This cause is currently pending before the court on an unopposed motion to continue filed by the United States (Doc. # 15) on December 14, 2007. The motion requests that this case be reset from the trial currently set for January 14, 2008.

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Warren, 772 F.2d 827, 838 (11th Cir. 1985), the court is, of course, limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Speedy Trial Act provides generally that the trial of a defendant in a criminal case shall commence within 70 days of the latter of the filing date of the indictment or the date the defendant appeared before a judicial officer in such matter. 18 U.S.C. § 3161(c)(1). See United States v. Vasser, 916 F.2d 624 (11th Cir. 1990).

The Act excludes from this 70 day period any continuance that the judge grants "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

In this case, the United States requests additional time to complete discovery and prepare for trial, and defendant does not oppose the continuance.

Accordingly, it is hereby ORDERED that the motion to continue be and hereby is GRANTED. This case is reset on the trial term commencing March 10, 2007.

A pretrial telephone conference call is scheduled for 4:00 p.m. on March 5, 2008. Counsel for the government is DIRECTED to set up the telephone conference call.

DONE, this 19th day of December, 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE